SINGLE BENCH

(2)

(4)

CF 3002

IN THE HON'BLE HIGH COURT OF CHHATTISGARH, AT BILASPUR (C.G.)

W.P. No.(S) 329 /2007

PETITIONERS

1. Dwarika Prasad Kant, Son of Shri Budhari Das, aged about 41 years, working as Assistant Teacher, Janpad Primary School, Chhautna (Mungeli) resident of Achanakpur, P.O. Bhalapur, Tahasil Mungeli, District Bilaspur (C.G.).

2. Smt. Sandhya Gyanik, wife of Anil Kuamr Gyanik aged about 39 years, working as Assistant Teacher, Janpad Primary School, Buchuwakapa (Mungeli) resident of Jaiswal Chhal, Bihari Talkies Bilaspur (C.G.).

3. Smt. Archana Das, wife of Shri Ajay Das, aged about 37 years, working as Assistant Teacher, Janpad Primary School Andrewj Ward Mungeli, Vikas Khand Mungeli, District Bilaspur (C.G.).

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through: The Secretary, Department of School Education, D.K.S. Bhawan, Raipur (Chhattisgarh).

2. The Deputy Director, Education, Bilaspur (Chhattisgarh).

25/8/07 Diwan
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OATH COMMISSIONER APARNA MALVIYA CG-2073/06 08/01/08 Bilaspur Chhattisgarh

(3) (5)

WRIT PETITION UNDER ARTICLE 226/ OF THE CONSTITUTION OF INDIA 1950, FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC., AND FOR OTHER APPROPRIATE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

(31)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(S) No. 329/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22-1-2007 **Mr. Manoj Mishra, Mr. P.Tiwari, Mr. A.S.Rajput and Mr. Somkant Verma, counsel for the petitioner(s).** **Mr. Sushil Dubey, Government Advocate, Mr. Satish Gupta, Deputy Government Advocate and Mr. Arvind Dubey, Panel Lawyer for the State/respondents.** **With the consent of learned counsel appearing for the parties, the matter is heard finally and disposed of.** **Common order dictated in Writ Petition (S.) No.325 of 2007 in open Court, passed separately.** **A copy of this order be placed on the record of the connected writ petitions.** **Sd/-** **Satish K. Agnihotri** **Judge**	

Gopal

P.T.O.

22/1/07

(21)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.325 OF 2007

Petitioners	:	Suraj Pratap Singh and another
	Versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.326 OF 2007

Petitioner	:	Smt. Sumedha Tiwari
	Versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.329 OF 2007

Petitioners	:	Dwarika Prasad Kant and others
	Versus	
Respondents	:	The State of Chhattisgarh and another

WRIT PETITION (S.) NO.340 OF 2007

Petitioner	:	Ganesh Ram Khunte
	Versus	
Respondents	:	State of Chhattisgarh and others

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WRIT PETITION (S.) NO.341 OF 2007

Petitioner	:	Tej Prakash Bhardwaj
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.348 OF 2007

Petitioner	:	Ram Keshwar Ram
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.351 OF 2007

Petitioner	:	Sanjeev Kumar Tiwari
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.354 OF 2007

Petitioners	:	Lakhan Lal Kashyap and others
	versus	
Respondents	:	State Government of Chhattisgarh and others

Present : Mr. Manoj Mishra, Mr. P.Tiwari, Mr. A.S.Rajput and Mr. Somkant Verma, counsel for the petitioner(s).

Mr. Sushil Dubey, Government Advocate, Mr. Satish Gupta, Deputy Government Advocate and Mr. Arvind Dubey, Panel Lawyer for the State/respondents.

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ORDER

(Passed on 22nd Day of January, 2007)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000 and Original Application No.2745 of 1989 (*Madhukant Yadu and 56 others vs. State of M.P. and others*) dated 24-8-1992.

2. Learned counsel appearing for the parties jointly submit that the facts and question of law involved in the present batch of writ petitions are similar to that of Writ Petition (S.) No.5784 of 2006 (*Milap Ram Daharia and others vs. State of Chhattisgarh and others*), which has been disposed of by this Court by order dated 27-10-2006.

3. The cases of the petitioners are that they were appointed as Teacher in the School Education Department on probation with the fixed salary. However, later on, after completion of period of probation, the petitioners were regularized, but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated teachers. There was no response from the Government. Thus, these petitions.

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4. Learned counsel appearing for the petitioners submit that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel appearing for the State/respondents have no objection.

5. Having heard learned counsel appearing for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel appearing for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioners stand on the same footings, as the petitioners in the Original Application No.1452 of 1998, then they be also sanctioned the same pay-scale and seniority.

6. The writ petitions are accordingly disposed of with the aforesaid direction. No order as to costs.

7. A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge